

Licensing Sub-Committee – Meeting held on Thursday, 22nd October, 2015.

Present:- Councillors Davis (Chair), Shah and Wright

Officers Present:- Teresa Clark, Senior Democratic Services Officer, Neil Fraser, Democratic Services Officer, Maureen Ogbu, Legal Advisor to the Sub-Committee, Tara O’Keefe, Licensing Officer, Tola Idowu, Licensing Officer.

PART 1

1. Declarations of Interest

None.

2. Guidance on Predetermination/ Predisposition - To Note

Resolved - Members confirmed that they had read and understood the guidance on predetermination and predisposition.

3. Minutes of the Last Meeting held on 11th December, 2014

Resolved - That the minutes of the meeting of the Licensing Sub-Committee held on 11th December 2014 be approved as a correct record.

4. Exclusion of the Press and Public

Resolved – That the press and public be excluded from the remainder of the meeting as the items to be considered contained exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

5. Private Hire Driver and Operator Conduct Hearing- (Reference 01-15)

The Following is a Part 1 summary of the case:

The Licensing Sub-Committee was asked to consider whether the Driver (Reference 01-15) was a fit and proper person to continue to hold a Private Hire Driver and Operator’s licence.

At the commencement of the hearing the Driver requested an adjournment of hearing so that legal representation could be sought. The Licensing Officer was allowed the opportunity to make representations.

Licensing Sub-Committee - 22.10.15

The Sub-Committee decided to defer the hearing of the case and it was agreed that a new date hearing be arranged at the earliest opportunity.

Resolved - That the hearing be adjourned to a future date.

6. Private Hire Operator Conduct Hearing- (Reference 02-15)

The Following is a Part 1 summary of the case:

The Licensing Sub-Committee was asked to consider whether the Applicant (Reference 02-15) was a fit and proper person to hold a Private Hire Operator's licence. The Applicant attended the hearing.

The Licensing Officer summarised the background to the application and discussed the relevant Policy and Legislative considerations in this case. He advised Members that the Sub-Committee could only allow an applicant to hold a Private Hire Operator's licence if they were satisfied that the applicant was a 'fit and proper' person to hold that licence.

The Sub-Committee was advised that the applicant had been convicted in September 2014 of acting as an unlicensed driver and using an unlicensed vehicle, contrary to chapter 34, section 12(1) and section 6(1) of the Private Hire Vehicles (London) Act 1998, and for using a vehicle uninsured for Hire and Reward. The Sub-Committee was advised that to date, the applicant had failed to notify the Licensing Office of this conviction as required by the conditions attached to the Private Hire Operator licence.

The Officer submitted that, in light of the above conviction and the applicant's failure to notify the Licensing Office of this conviction, the applicant was not deemed a fit and proper person to hold a Private Hire Operator's Licence in Slough, and it was recommended that the licence be revoked.

The Applicant addressed the Sub-Committee and accepted that he had chosen to carry a passenger in an unlicensed vehicle, without insurance, and he put forward mitigation.

With regard to the lack of declaration of outstanding charges when applying for a renewal of the Private Hire Operator's Licence, the applicant submitted that as the offence was committed whilst acting as a driver for an Operator licensed by Transport for London, he did not understand that this needed to be declared when applying for a renewal of a license issued by Slough Borough Council.

The applicant submitted that the Private Hire Operator's Licence held in Slough was not currently used, though there were plans to use this in the future.

The Sub-Committee adjourned to reach its decision and carefully considered all the evidence. Members were concerned about what the offences showed

Licensing Sub-Committee - 22.10.15

about the applicant's honesty, ability to take responsibility as a driver, and about whether he would be a safe driver.

The Sub-Committee decided, in view of the concerns outlined above, that the applicant was not a fit and proper person to hold a Private Hire Operator's Licence in Slough, and therefore the licence was revoked.

Resolved - That the Private Hire Operator Licence, ref 02-15, be revoked.

7. Private Hire Driver (Grant) Application (Reference 03-15)

The Following is a Part 1 summary of the case:

The Licensing Sub-Committee was asked to consider whether the Applicant (Reference 03-15) was a fit and proper person to hold a Private Hire Drivers licence. The Applicant attended the hearing.

The Licensing Officer summarised the background to the case and discussed the relevant Policy and Legislative considerations in this case. He advised Members that the Sub-Committee could only allow an Applicant to hold a Private Hire Operator's licence if they were satisfied that the Applicant was a 'fit and proper' person to hold that licence.

The Sub-Committee was advised that the Applicant held a Private Hire driver and vehicle licence issued by Slough Borough Council. He had pled guilty to a non violent offence at East Berkshire Magistrates Court for which he was given a one-year conditional discharge, and a one-year restraining order.

The Applicant had not declared the offence to the Licensing Authority and was therefore in breach of the conditions of his licence which had necessitated the matter being referred to the Sub-Committee. The Licensing Officer recommended that Applicant's licence be revoked but that the Sub-Committee should have regard to any representations made.

The Applicant advised that he was unaware he should have disclosed the offence as he received a conditional discharge and he had not deliberately withheld the information. It was argued that revocation of his licence would be disproportionate.

The Sub-Committee decided to issue a strict warning to the Applicant with regard to his future behaviour and compliance with the conditions of his private hire driver's licence.

Resolved- That Driver Reference 03-15 be issued with a strict warning and any future breaches of his licence conditions be referred to the Sub-Committee

Chair

(Note: The Meeting opened at 10.00 and closed at 13.45)